



#3.  
Patent Application,  
Atty. Ref.: 11696.0059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARTIN P. USHER et al.

Serial No.: 09/833,593

Filed: April 13, 2001

For: CELLULAR RADIO SYSTEM

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

Assistant Commissioner of Patents  
Washington, DC 20231

Dear Sir:

In response to the Notice to File Missing Parts mailed August 30, 2001, enclosed are the following:

1. an executed Declaration and Power of Attorney;
2. a copy of the Notice to File Missing Parts; and
3. a check in the amount of \$130.00 for the filing fee.

The Commissioner is hereby authorized to charge/credit any fee deficiencies/overpayments to Deposit Account No. 19-4293.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on:

September 5, 2001

Katie S. Lee <sup>Date</sup>  
Signature

Katie S. Lee  
Typed or Printed Name

Respectfully submitted,

By:

Scott D. Watkins  
Scott D. Watkins  
Reg. No. 36,715  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, N.W.  
Washington, DC 20036  
Tel.: (202) 429-3000  
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SECTOR  
#3

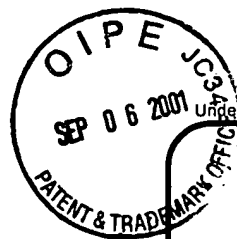
Please type a plus sign (+) inside this box → ☐ +

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |                        |                 |
|---|------------------------|-----------------|
| <h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p> | Application Number     | 09/833,593      |
|   | Filing Date            | April 13, 2001  |
|   | First Named Inventor   | Martin P. Usher |
|   | Group Art Unit         |                 |
|   | Examiner Name          |                 |
| Total Number of Pages in This Submission  | Attorney Docket Number | 11696.0059      |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input checked="" type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks  |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Scott D. Watkins<br>Steptoe & Johnson LLP |
| Signature                                  |   |
| Date                                       | September 5, 2001                         |

| CERTIFICATE OF MAILING  |                   |
|---|-------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>Sept. 5, 2001</u> |                   |
| Typed or printed name   | Katie S. Lee      |
| Signature   |                   |
| Date  | September 5, 2001 |

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#3

PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$130.00)

## Complete if Known

|                      |                 |
|----------------------|-----------------|
| Application Number   | 09/833,593      |
| Filing Date          | April 13, 2001  |
| First Named Inventor | Martin P. Usher |
| Examiner Name        |                 |
| Group Art Unit       |                 |
| Attorney Docket No.  | 11696.0059      |

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 19-4293

Deposit Account Name: Steptoe & Johnson LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION (continued)

|                                   |          |          |          | Large Entity |          | Small Entity |          | Fee Description  | Fee Paid   |
|-----------------------------------|----------|----------|----------|--------------|----------|--------------|----------|--|------------|
| Fee Code                          | Fee (\$) | Fee Code | Fee (\$) | Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |            |
| 105                               | 130      | 205      | 65       |              |          |              |          | Surcharge - late filing fee or oath  | 130        |
| 127                               | 50       | 227      | 25       |              |          |              |          | Surcharge - late provisional filing fee or cover sheet                     |            |
| 139                               | 130      | 139      | 130      |              |          |              |          | Non-English specification  |            |
| 147                               | 2,520    | 147      | 2,520    |              |          |              |          | For filing a request for <i>ex parte</i> reexamination                     |            |
| 112                               | 920*     | 112      | 920*     |              |          |              |          | Requesting publication of SIR prior to Examiner action                     |            |
| 113                               | 1,840*   | 113      | 1,840*   |              |          |              |          | Requesting publication of SIR after Examiner action                        |            |
| 115                               | 110      | 215      | 55       |              |          |              |          | Extension for reply within first month                                     |            |
| 116                               | 390      | 216      | 195      |              |          |              |          | Extension for reply within second month                                    |            |
| 117                               | 890      | 217      | 445      |              |          |              |          | Extension for reply within third month                                     |            |
| 118                               | 1,390    | 218      | 695      |              |          |              |          | Extension for reply within fourth month                                    |            |
| 128                               | 1,890    | 228      | 945      |              |          |              |          | Extension for reply within fifth month                                     |            |
| 119                               | 310      | 219      | 155      |              |          |              |          | Notice of Appeal   |            |
| 120                               | 310      | 220      | 155      |              |          |              |          | Filing a brief in support of an appeal                                     |            |
| 121                               | 270      | 221      | 135      |              |          |              |          | Request for oral hearing   |            |
| 138                               | 1,510    | 138      | 1,510    |              |          |              |          | Petition to institute a public use proceeding                              |            |
| 140                               | 110      | 240      | 55       |              |          |              |          | Petition to revive - unavoidable   |            |
| 141                               | 1,240    | 241      | 620      |              |          |              |          | Petition to revive - unintentional   |            |
| 142                               | 1,240    | 242      | 620      |              |          |              |          | Utility issue fee (or reissue)   |            |
| 143                               | 440      | 243      | 220      |              |          |              |          | Design issue fee   |            |
| 144                               | 600      | 244      | 300      |              |          |              |          | Plant issue fee  |            |
| 122                               | 130      | 122      | 130      |              |          |              |          | Petitions to the Commissioner  |            |
| 123                               | 50       | 123      | 50       |              |          |              |          | Processing fee under 37 CFR 1.17(q)  |            |
| 126                               | 180      | 126      | 180      |              |          |              |          | Submission of Information Disclosure Stmt                                  |            |
| 581                               | 40       | 581      | 40       |              |          |              |          | Recording each patent assignment per property (times number of properties) |            |
| 146                               | 710      | 246      | 355      |              |          |              |          | Filing a submission after final rejection (37 CFR § 1.129(a))              |            |
| 149                               | 710      | 249      | 355      |              |          |              |          | For each additional invention to be examined (37 CFR § 1.129(b))           |            |
| 179                               | 710      | 279      | 355      |              |          |              |          | Request for Continued Examination (RCE)                                    |            |
| 169                               | 900      | 169      | 900      |              |          |              |          | Request for expedited examination of a design application                  |            |
| Other fee (specify) _____         |          |          |          |              |          |              |          |  |            |
| *Reduced by Basic Filing Fee Paid |          |          |          |              |          |              |          |  |            |
| SUBTOTAL (3)                      |          |          |          |              |          |              |          |  | (\$130.00) |

## FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|-----------------|----------|
| Fee Code     | Fee (\$)     | Fee Code        | Fee (\$) |
| 101          | 710          | 201             | 355      |
| 106          | 320          | 206             | 160      |
| 107          | 490          | 207             | 245      |
| 108          | 710          | 208             | 355      |
| 114          | 150          | 214             | 75       |

UTILITY filing fee

DESIGN filing fee

PLANT filing fee

REISSUE filing fee

PROVISIONAL filing fee

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES

Total Claims:  -20\*\* =  X  =

Independent Claims:  -3\*\* =  X  =

Multiple Dependent:  =

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|----------|----------|----------|----------|-----------------|
| 103      | 18       | 203      | 9        |                 |
| 102      | 80       | 202      | 40       |                 |
| 104      | 270      | 204      | 135      |                 |
| 109      | 80       | 209      | 40       |                 |
| 110      | 18       | 210      | 9        |                 |

CLAIMS in excess of 20

INDEPENDENT claims in excess of 3

MULTIPLE dependent claim, if not paid

\*\* REISSUE independent claims over original patent

\*\* REISSUE claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

|                   |                  |                                   |               |           |              |
|-------------------|------------------|-----------------------------------|---------------|-----------|--------------|
| Name (Print/Type) | Scott D. Watkins | Registration No. (Attorney/Agent) | 36,715        | Telephone | 202-429-3000 |
| Signature         |                  | Date                              | Sept. 5, 2001 |           |              |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/833,593         | 04/13/2001          | Martin Philip Usher   | 11656.0059             |

27890  
STEPTOE & JOHNSON LLP  
1330 CONNECTICUT AVENUE, N.W.  
WASHINGTON, DC 20036

CONFIRMATION NO. 5641

## FORMALITIES LETTER



\*OC00000006496003\*

Date Mailed: 08/30/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/07/2001 HNDOR1 00000004 09833593

01 FC:105

130.00 0P